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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/886,046
Filing Date: June 22, 2001
Appellant(s): GRUCHALA ET AL.

Carol Gruchala et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/09/06 appealing from the Office action
mailed 8/22/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

FCC CC Docket No. 92-105		9-1999
5,524,146	MORRISEY ET AL.	4-1996
PELTZ-STRAUSS		8-1999

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KEATING, JACK ET AL. 9-1998

BRESLIN 8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 15-17 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over FCC CC Docket No. 92-105.

As for claims 15 and 17, FCC '105 discloses a method for routing a call to a telecommunications relay service center (or relay), the call initiated in response to a calling party (or caller) inputting a universal telephone number (or 711) into a communications device, the method comprising, establishing a communications connection between the communications device and the telecommunications relay service (See Page 62, lines 16-25).

Further, FCC '105 does not explicitly disclose forwarding a "charge number¹" to the telecommunications relay service center. However FCC ' 105 teaches forwarding consumer's carrier of choice to the telecommunications relay service center (Page 20, lines 9-16). FCC'105 teaches accessing to information about the consumer's carrier of choice in the consumer's profile. It is inherent that a system has consumer's profile will

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have to have the calling party number, the "charge number". Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have FCC'105's system forward the "charge number" in consumer's profile to TRS center. For toll-free (1-800) calls, the TRS center inherently, or at least obviously, has to receive the calling party number for many purposes such as billing and best routing of the incoming call within the center. For example, since toll-free calls are billed to the called center, the called center needs to know the exact source of the call (call from the same state or call from Hawaii) because the called center is paying for the call.

FCC '105 teaches that a representative from AT&T addressed the necessity of feature Group D-type connectivity to the LEC access tandem, as that's the preferred way for their company to handle carrier-of-choice calls today (Page 99, lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art to establish a connection between a communications device (as read on "connectivity to the LEC access tandem", since the caller will need to connect through the LEC or switch and from there to the TRS) and the telecommunications relay service center and forwarding a charge number "over a signaling system 7 (SS7) feature D trunk line"; as motivated by AT&T's representative explanation of how they handle their calls.

As for claims 16, FCC '105 discloses ascertaining a toll free telephone number in response to the input universal telephone number, the toll free telephone number corresponding to the telecommunications relay service center (See Page 62, lines 16-18).

¹ Note that a "charge number" is a very broad limitation that may read on many numbers such as, for example, the

Claims 27 and 28 are rejected for the same reasons as claims 15 and 16. The limitations in those claims are directed to software capable of executing the method of claims 15 and 16.

2. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over FCC CC Docket No. 92-105, as applied to claims 15-17 above, in view of Morrissey et al. (US 5,524,146) and further in view of Peltz (August 1999).

Morrissey et al. teaches "The present service could be implemented with one or more ISCP's per state, to avoid overloading existing CCIS data links. Alternatively, the ISCP could be implemented on a LATA by LATA basis or on a regional operating company, i.e. one data base for the entire geographic area serviced by one of the Regional Bell Operating Companies." (See Best Mode, Col. 9, lines 19-24).

Peltz further teaches "Common carriers are required under Title IV of the Americans Disabilities Act (ADA) to provide TRS throughout their calling areas. For the most part, they fulfill this obligation through state-operated TRS programs. Each of the 50 states and United States territories have independently developed these programs, resulting in a myriad of 7 to 11 digit relay telephone numbers across the nation. This has made access to TRS difficult, if not impossible, when relay callers travel across state border. Use of the 7-1-1 code simplifies access to TRS [...] Commenters to the Commission's NPRM on this subject reported that routing all 711 calls from a subscriber's telephone to the subscriber's preferred TRS provider can be accomplished

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through a database query initiated by an Advanced Intelligent Network (AIN). The query response would contain an 800 routing number that would correspond to the relay user's pre-selected provider..." (See Page 2, P. 3 and Page 5, P. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify FCC CC Docket No. 92-105 system, with the step of having the SCP identifying the originating state of the caller and forwarding the call to an appropriate TRS center for the originating state as per the teachings of both Morrissey et al. and Peltz; thus in this manner making possible to telecommunication service providers (or common carriers) to provide a relay caller with a simpler way to call the TRS center when traveling across state lines and using several toll-free numbers (or charge numbers, as these 800 numbers are associated with subscriber's preferred TRS provider) per state to avoid overloading the existing data links.

3. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over FCC CC Docket No. 92-105, as applied to claims 15-17, and further in view of Keating et al. (September 1998).

As for claims 20-22, Keating et al. teaches "...all incoming emergency relay calls should be processed through an automated database system that matches the TRS callers automatic information ("ANI") with the appropriate emergency number in his or her area. [...] share database information, including ANI and automatic location information ("ALI")... Sharing database information with TRS providers will permit CAs

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[calling assistants] to quickly access a caller's ANI/ALI and to forward the information to the appropriate emergency PSAP." (See Page 2, P. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify FCC '105, as applied to 15-17, by adding the step of displaying at the TRS center: user identifying information and location of the calling party, as taught by Keating et al.; and thus in this manner provide the TRS center with an efficient manner to handle emergency calls to a TRS center. The Examiner further adds, it is well known that emergency calls made by a calling party are counted in order to keep a log of how the emergency situation was handled, keeping track of amount of calls made are also used for billing purposes.

Further, it is obvious from the ability of a calling assistant to retrieve caller's ANI/ALI information from a share database; that "memory and graphical displays that display identifying information" means should exist.

As for claim 23, it is well-known in the art that for ethical reasons the only information -made into a TRS center- that can be stored in memory is the one used for planning and billing purposes, the only time when this rule is waived is during emergency situations.

4. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over FCC CC Docket No. 92-105, as applied to claims 15-17, in view of Breslin (August 1999).

Claim 24 is rejected for the same reasons as claim 15. However, while claim 15, discussed how the communications device and the relay service center are connected through the LEC (local exchange carrier), it lacks a "service switching point that establishes a communications connection...", "the service switching point forwarding a charge number" and "a service control point that communicates with service switching point, the service switching point translating the universal telephone number into a telephone number corresponding to the...relay service center".

However, FCC '105, introduces the question of how to implement the system in an AIN system (See, for example, Page 58, lines 1-6).

As for claims 24 and 25, Breslin teaches "Bell Atlantic chose Advanced Intelligent Network (AIN) technology to provide 7-1-1 access because of cost and functionality. The AIN Integrated Service Control Point (ISCP) contains service logic that responds to queries from the switches. The use of AIN enables the 800 number for each state to be programmed into an ISCP based on the Numbering Plan Area (NPA) of the calling party. Because of Bell Atlantic's success with the AIN deployment of 7-1-1 dialing in Maryland, AIN is being used to provide 7-1-1 service to Bell Atlantic's remaining states and jurisdictions [...] The Commission should find that TRS providers are obligated to provide access to the customer's carrier of choice so that everyone -- including Relay users -- can benefit from being able to choose from all of the calling plans and services available to them in a competitive marketplace" (See Page 1, P. 5).

Further, Breslin teaches the use of a service control point (or ISCP) communicating with an SSP (as read on "queries from the switches") for translating the

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universal dialed number (or 711) into a toll free number (or 800 number) corresponding to a TRS center.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify FCC '105 system, by providing a universal number that can be translated to a toll free telephone number of a telecommunications relay service center comprising to an ANI or a charge number (as read on calling plan) of the communications device as taught by Breslin; thus in this manner making it easier to a person with disabilities to contact a TRS with easy dialing of a N11 (or 711) type code number, but also provide access to the customer's carrier of choice (or charge number). As taught by Breslin, the AIN enables the 800 number for each state to be programmed into the SCP, thus it would have been to determine the originating state of the call by means of this number and efficiently routing the call to the service relay center that serves the identified state.

As for claim 26, it is inherent that the TRS may be able to identify the communication device based on the received ANI information (See FCC' 105, Page 37, line 24 through Page 38, line 1).

As to Applicant's remarks, Applicant mainly argues that the only identifier described in FCC CC Docket No. 91- 105 as being provided to a TRS is ANI, and not charge number (CN). Examiner respectfully disagrees for the following reasons: Further, FCC '105 does not explicitly disclose forwarding a "charge number" to the telecommunications relay service center. However FCC ' 105 teaches forwarding

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consumer's carrier of choice to the telecommunications relay service center (Page 20, lines 9-16). FCC'105 teaches accessing to information about the consumer's carrier of choice in the consumer's profile. It is inherent that a system has consumer's profile will have to have the calling party number, the "charge number". Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have FCC'105's system to forward the "charge number" in consumer's profile to TRS center. For toll-free (1-800 calls), the TRS center inherently, or at least obviously, has to receive the calling party number for many purposes such as billing and best routing of the incoming call within the center. For example, since toll-free calls are billed to the called center, the called center needs to know the exact source of the call (call from the same state or call from Hawaii) because the called center is paying for the call.

Applicant also argues that the ANI is forwarded over a multifrequency trunk, and not a signaling system 7 feature group D trunk line. Examiner respectfully disagrees for the following reasons: FCC '105 teaches that a representative from AT&T addressed

the necessity of feature Group D-type connectivity to the LEC access tandem, as that's the preferred way for their company to handle carrier-of-choice calls today (Page 99, lines 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art to establish a connection between a communications device (as read on "connectivity to the LEC access tandem", since the caller will need to connect through the LEC or switch and from there to the TRS) and the telecommunications relay service center and

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forwarding a charge number “over a signaling system 7 (SS7) feature D trunk line”; as motivated by AT&T’s representative explanation of how they handle their calls.

For above reasons, FCC ‘105 is maintained for supporting the enclosed Examiner’s Final Action.

(10) Response to Argument

Regarding Appellant’s statement (Brief, page 9) that “the Final Official Action attempts to incorrectly establish equivalence between the “calling party number” and a “charge number”. The failure to distinguish between calling party number (i.e., automatic number identification) and charge number in the outstanding Final Office action is improper and render the entire rejection fatally defective.” Examiner respectfully submits that it is inherent that a system has consumer’s profile will certainly have the calling party number, the charge number. The caller’s number is commonly known as automatic number identification. In an SS7 message, ANI information is carried in the calling party number field or the charge number field. Also, it is old and well known in telecommunication system that the call fee is charged to the calling party’s number, thus making it a “charge number”.

Regarding Appellant’s statement (Brief, page 12) that “ FCC CC DOCKET NO. 92-105 does not provide any teaching or consideration of “forwarding a charge number (CN) to the telecommunications relay service center over the signaling system 7 feature group D trunk line”. However, FCC ‘105 teaches that feature Group D-type connectivity

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to the LEC is the preferred way for AT&T to handle carrier-of-choice calls today (page 99, lines 11-13).

Therefore, establishing a connection between a communication device and the telecommunications relay service center and forwarding a charge number over a signaling system 7 feature D trunk line are preferred choice of AT&T to handle their calls.

Regarding Appellant's statement (Brief, page 19) that " FCC CC DOCKET NO. 92-105 does not disclose, suggest or render obvious " a service switching point (SSP) that establishes a communication connection between the communication device and the telecommunications relay service center over a signaling system 7 (SS7) feature group D trunk line". Breslin teaches the use of a service control point communicating with an SSP for translating the universal dialed number (or 711) into a toll free number (or 800 number) corresponding to a TRS center. FCC'105 system providing a universal number that can be translated to a toll free telephone number of a telecommunications relay service center comprising an ANI or charge number of the communication device. Thus FCC'105 can incorporate service switching point of Breslin into FCC'105 system in order to establish a communication connection between the communication device and the telecommunications relay service center over a signaling system 7 (SS7) feature group D trunk line. It is common knowledge that SSP and SCP are very popular in SS7 system.

For above reasons, FCC'105 is maintained for supporting the Office action of August 22, 2005.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Karen Le
March 14, 2006

Conferees:

Wing Chan

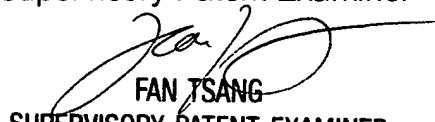


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